

77-8220/2

THE WHITE HOUSE
WASHINGTON

December 2, 1977

7
P-1413
12 July

Dear Mr. Director:

The enclosed copy of an Executive Order by the President, entitled "Conforming the Central Intelligence Agency and Civil Service Retirement and Disability Systems," is transmitted for the files of the Central Intelligence Agency.

Sincerely,

Robert D. Linder

Robert D. Linder
Chief Executive Clerk

Admiral Stansfield Turner, USN
Director of Central Intelligence
Washington, D.C. 20505

Enclosure

(EXECUTIVE REGISTRY FILE

P-1413

DECEMBER 2, 1977

Office of the White House Press Secretary

NOTICE TO THE PRESS

The President has signed three executive orders.

One extends to the CIA retirement system certain provisions of the Civil Service retirement law.

The second implements Section 5F of Reorganization Plan No. 1 by transferring responsibility for overseeing implementation of the Federal Advisory Committee Act from OMB to GSA.

The third deletes one position from the Executive Level IV list, and adds another position to that list. (The President is authorized to place no more than 34 positions in Levels IV and V.)

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(Copies of the executive orders are attached.)

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

CONFORMING THE CENTRAL INTELLIGENCE AGENCY AND
CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS

By virtue of the authority vested in me by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Director of Central Intelligence, hereafter referred to as the Director, shall maintain the Central Intelligence Agency Retirement and Disability System and the Central Intelligence Agency Retirement and Disability Fund, hereafter referred to as the Fund, in accordance with the following principles:

(a) None of the moneys mentioned in the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043, as amended; 50 U.S.C. 403 note), shall be assignable, either in law or equity, except under the provisions of subsection (b) of this Section, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

(b) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts of such annuity for such purposes as the Director in his sole discretion considers appropriate.

(c) No payment shall be made from the Fund unless an application for benefits based on the service of the participant is received by the Director before the one hundred and fifteenth anniversary of the participant's birth.

(d) Notwithstanding the provisions of subsection (c) of this Section, after the death of a participant or annuitant, no benefit based on the service of such person shall be paid from the Fund unless an application therefor is received by the Director within 30 years after the death or other event which gives rise to title to benefit.

(e) Sums deducted from salaries pursuant to Section 273 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1053; 50 U.S.C. 403 note) shall be deposited in the Treasury of the United States to the credit of the Fund.

Sec. 2. The provisions of this Order are effective as follows:

more

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(a) The provisions of Sections 1(a) and 1(b) are effective as of December 23, 1975.

(b) The provisions of Sections 1(c) and 1(d) are effective as of December 31, 1975.

(c) The provisions of Section 1(e) are effective as of October 1, 1976 and shall apply to annuitants serving in appointed positions on and after that date.



Sec. 3. The Director of Central Intelligence is authorized to prescribe such regulations as are necessary to carry out the provisions of this Order.

JIMMY CARTER

THE WHITE HOUSE,

December 1, 1977.

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Approved For Release 2004/03/15 : CIA-RDP80M00165A004200010 UNCLASSIFIED CONFIDENTIAL SECRET			
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TO	NAME AND ADDRESS	DATE	INITIALS
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Remarks:			
FOLD HERE TO RETURN TO SENDER			
		ADDRESS AND PHONE NO. 	DATE 

The Director

Executive Registry

77-8220/1

Washington, D. C. 20505

12 JUL 1977

The Honorable Bert Lance, Director
Office of Management and Budget
Washington, D. C. 20503

Dear Bert:

Forwarded herewith is a proposed Executive Order which I would appreciate your processing for approval by the President. The Order would change certain sections of the CIA Retirement and Disability System (CIARDS) to conform to some recent changes in substantially identical sections of the Civil Service Retirement System. Authority to conform was granted to the President by Public Law 94-522, approved 17 October 1976. I believe the changes in the pertinent sections of the Civil Service Retirement System have merit and that this Agency should have the benefit of them for CIARDS.

To facilitate your review of our proposal, there are enclosed a summary sheet describing these provisions and a brief analysis comparing the pertinent sections of the Civil Service retirement law with the substantially identical sections in our law.

Yours,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosures

(EXECUTIVE REGISTRY FILE

P-1.4.13

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Originator:

[Redacted]

Director of Personnel

22 JUN 1977

STAT

STAT

DD/Pers/[Redacted] : gec (21 Jun 77)

SUMMARY SHEET

The changes enacted recently in the Civil Service Retirement System can be summarized as follows:

- (1) Provision for the allotment or assignment of payments from Civil Service annuities;
- (2) The establishment of time limitations in applying for Civil Service retirement benefits; and
- (3) Requirement for agencies to deposit in the Treasury of the United States, to the credit of the Civil Service Retirement Fund, the amounts withheld from retirees' salaries whose annuities continue during re-employment.

These changes were enacted by the following Public Laws: 94-166, approved 23 December 1975; 94-183, approved 31 December 1975; and 94-397, approved 3 September 1976.

The proposed Executive Order would adopt the same provisions for the CIA Retirement and Disability System (CIARDS) and would invest CIARDS with identical authorities.

Item (1) above would permit CIARDS annuitants to allot or assign amounts from their annuities for such purposes as the Director of Central Intelligence considers appropriate. This feature provides an attractive benefit of great convenience to retirees at little cost to the Government. For this reason, it merits inclusion in the benefits available under CIARDS. It will be applied with proper control and discretion.

Item (2) would require that an application for benefits from the CIARDS Fund based on a participant's service must be received by the Director before the 115th anniversary of the participant's birth and that, notwithstanding this, after the death of a participant or annuitant, no benefit based on the service of such persons shall be paid from the Fund unless an application therefor is received by the Director within 30 years after death or other event which gives rise to title to the benefit. These time limitations are equitable and protect the Government's interest through the establishment of time frames within which claims must be presented. Additionally, a specific cut-off date permits the cessation of funding for any such outstanding obligation. As part of the Federal Government it is equally desirable that CIARDS have similar limitations.

Item (3) requires agencies under Civil Service to pay the full cost of re-employing annuitants instead of being able to get a "free ride" on the annuity portion of the annuitant's total compensation. By crediting such deposits to the Civil Service Retirement Fund, the Government is adding to the stability of the Fund itself. The same purpose is equally important with respect to the CIARDS Fund, and for this reason this authority is sought for CIARDS.

CONFORMING THE CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM TO THE CIVIL
SERVICE RETIREMENT AND DISABILITY SYSTEM

By virtue of the authority vested in me by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 Note), as amended by section 213 of Public Law 94-522 (90 Stat. 2467), and as President of the United States of America, and having determined that it would be appropriate to maintain conformity between the Civil Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System with respect to substantially identical provisions, it is hereby ordered as follows:

Section 1. (a) I hereby extend to current and former participants in the Central Intelligence Agency Retirement and Disability System, and to their survivors, subsection (g) of section 8345 of title 5, United States Code, as enacted by Public Law 94-166 (89 Stat. 1002), and subsection (a) of section 8346, as amended, and subsection (h) of section 8345 of title 5.

(b) In order to extend to the participants in the Central Intelligence Agency Retirement and Disability System the appropriate provisions of subsection (a) of section 8344, as amended, of title 5, United States Code, sums deducted from salaries pursuant to subsection (a) of section 273 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees shall be deposited in the Treasury of the United States to the credit of the Central Intelligence Agency Retirement and Disability Fund established by that Act.

Section 2. The authority conferred on the Civil Service Commission by subsection (g) of section 8345 of title 5, United States Code, as enacted by Public Law 94-166, and any authority of the Commission based on or deriving from any provisions of law enacted by this Order, are hereby conferred on the Director of Central Intelligence for the purposes of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and this Order.

Section 3. Any references to "the fund" in any provisions of law extended by this Order, shall, for the purposes of this Order and the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, refer to the Central Intelligence Agency Retirement and Disability Fund.

Section 4. The extension above of subsection (g) of section 8345 and subsection (a) of section 8346, as amended, of title 5, United States Code, shall be effective as of December 23, 1975; the extension of subsection (h) of section 8345 of title 5 shall be effective as of December 31, 1975. The extension of certain provisions of subsection (a) of section 8344 of title 5 shall be effective as of October 1, 1976, and shall apply to annuitants serving in appointive positions on or after such date.

JIMMY CARTER

THE WHITE HOUSE,

STAT

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Next 4 Page(s) In Document Exempt

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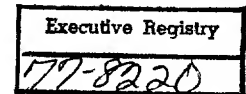
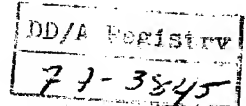
OGC 77-4150
24 JUN 1977 COMPT 77-1059

MEMORANDUM FOR: Director of Central Intelligence

VIA : Deputy Director for Administration

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Executive Order Proposing Conforming
Amendments to CIARDS under Authority
of Public Law 94-522



1. Action Requested: That you propose that an Executive Order be issued by the President to conform certain portions of the CIA Retirement and Disability System (CIARDS) to substantially identical provisions in the Civil Service Retirement System.

2. Background: Basic retirement benefits for Federal employees generally are legislated first into the Civil Service Retirement System. Other Federal retirement systems, desirous of obtaining similar benefits, had to propose legislation in order to obtain similar benefits. CIARDS was amended six times to secure benefits previously enacted for the Civil Service System.

The last amendment to CIARDS, in October 1976, provided that in the future CIARDS could be conformed to the Civil Service System by Executive Order rather than by the protracted legislative process. The Executive Order may be used only to include in CIARDS new changes to provisions in the Civil Service System for which there are substantially identical provisions in CIARDS.

We now recommend the adoption, by Executive Order, of three items already enacted into the Civil Service System: (1) provision for the allotment or assignment of payments from annuities; (2) establishment of time limitations in applying for retirement benefits; and (3) requirement for the deposit to the CIA Retirement Fund the amount that is withheld from the salary of a CIARDS annuitant whose annuity continues during re-employment.

3. Staff Position: The Office of Personnel and the Office of Finance agree completely in the need to include the three items, specified above, in CIARDS. The Office of General Counsel

(EXECUTIVE REGISTRY FILE)

and the Office of Legislative Counsel have participated in the drafting of a proposed Executive Order designed to secure those items for CIARDS.

4. Recommendation: That you sign the attached letter to Mr. Bert Lance, Director, Office of Management and Budget, to forward the proposal for an Executive Order to conform CIARDS as described.

F. W. M. Janney

F. W. M. Janney

Attachments

STAT CONCUR.

[Redacted]

28 JUN 1977

Date

Office of Legislative Counsel

STAT [Redacted]

6/30/77

Date

Office of General Counsel

STAT [Redacted]

1 JUL 1977

Date

Office of the Comptroller

/s/ Michael J. Malanick

5 JUL 1977

Date

A- Deputy Director for Administration

APPROVED: */s/ Stansfield Turner*
Director of Central Intelligence

DISAPPROVED:

Director of Central Intelligence

DATE: 12 JUL 1977

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Order Proposing Conforming Amendments to CIARDS

FROM:

Director of Personnel
5 E 58, Headquarters

EXTENSION

NO.

DATE

24 JUN 1977

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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7 D 49, Hqs

24 June

7/28

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2.

3. Office of General Counsel
7 D 01, Hqs

6-29-77

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5. Office of the Comptroller
4 E 42, Hqs

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7. Deputy Director for Administration
7 D 18, Hqs

5 JUL 1977

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8.

9. Executive Registry
7 E 12, Headquarters

6 JUL 1977

[Handwritten initials]

10.

11. Deputy Director of Central Intelligence
7 E 12, Hqs

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12.

13. Director of Central Intelligence
7 E 12, Hqs

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12 JUL 1977

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